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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA HARRISONBURG DIVISION

JULIA C	DUDLEY, CLERK
BY:	PUTACLERY
DEF	PUTA)CLERIA

UNITED STATES OF AMERICA,	<i>)</i>)
,) Case No. 5:05CR00038
) (Case No. 5:10CV80287)
V.)
) FINAL JUDGMENT AND ORDER
)
FIDEL ANGEL CHICAS-HERNANDEZ,) By: Glen E. Conrad
) Chief United States District Judge
Defendant.)

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

that the motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 is hereby summarily **DISMISSED** as untimely, and the action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this judgment and order to the defendant.

ENTER: This 311 day of November, 2010.

Chief United States District Judge

Jan Comod